

CITY OF HANNIBAL

OFFICIAL PUBLIC PROCEEDINGS

**Tuesday, November 3, 2020
6:45 p.m.
Council Chambers**

CALL TO ORDER

It being the appointed time, Mayor Hark called the Public Hearing to order. He then turned the meeting over to Edie Graupman, DPW Management Assistant.

EDIE GRAUPMAN

**Re: Rezoning - 13 Acres on Stardust Drive
A-One & Two Family to PDR-Planned Density Residential
*Cabot Fine Homes, LLC***

Graupman states she is asking the Public Hearing regarding the rezoning of property owned by Cabot Fine Homes, LLC to be tabled until the December 1, 2020 Council Meeting at 6:45 p.m. She advised the Public Hearing to rezone 13 acres on Stardust Drive was opened up at the Planning & Zoning Commission meeting held October 15th, however it was continued, due to additional information being requested.

PUBLIC COMMENTS

ADJOURNMENT

With this being tabled, Mayor Hark then closed the Public Hearing.

City of Hannibal

OFFICIAL COUNCIL PROCEEDINGS

**Tuesday, November 3, 2020
Council Chambers
7:00 p.m.**

ROLL CALL

Present: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

Absent: - 0 -

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

Mayor Hark advised due to unforeseen circumstances, City Manager Lisa Peck, City Attorney James Lemon and City Clerk Angel Zerbonia are attending the meeting via zoom.

INVOCATION

The invocation was then given by Council Member Cogdal.

PLEDGE OF ALLEGIANCE

Mayor Hark then requested Girl Scout Troop 9010, who were in attendance to lead the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

A motion was made by Council Member Veach to approve the agenda, as presented, and posted. The motion was seconded by Council Member McCoy.

Motion carried.

APPROVAL OF MINUTES

**Closed Session Meeting – June 16, 2020
Regularly Scheduled Council Meeting – October 20, 2020**

A motion was made by Council Member McCoy to approve the minutes from the closed session meetings held June 16, 2020 and the regularly scheduled Council meeting held October 20, 2020. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
Second Half – October 2020**

A motion was made by Mayor Pro Tem Dobson to approve the payroll and claims for the second half of October, 2020. The motion was seconded by Council Member Bowen.

Motion carried.

**DAN JANES – LOAFERS CAR CLUB
Re: Request, Street Closures – Annual Car Show
*Saturday, May 8, 2021 – 6:00 a.m. – 5:00 p.m.***

Dan Janes, representing Loafers Car Club, approached Council, with two requests; his first request is regarding the Annual Car Show. It is scheduled for Saturday, May 8, 2021 from 6:00 a.m. – 5:00 p.m. Janes requested Main Street be closed, with barricades, from Broadway to North Street along with all side streets east and west of Main Street, with bollards. Mayor Hark stated all necessary paperwork is on file.

Council Member Cogdal questioned if the Loafers Club had discussed the road closures with Hannibal National Bank, being this closure would block their drive-thru, in which Mr. Janes advised they keep that part of the road open until the bank closes and then extend once the bank closes. Mayor Pro Tem Dobson also requested that parking at entrance of the Mark Twain Brewery to be left open to allow customers to access, in which Mr. Janes agreed to do.

A motion was made by Mayor Pro Tem Dobson to approve the street closures for the Loafers Car Club Annual Car Show scheduled for Saturday, from 6:00 a.m. – 5:00 p.m. May 8, 2021. The motion was seconded by Council Member Bowen.

Motion carried.

**Re: Request, Street Closures – Reunion Cruise In
*Saturday, September 11, 2021 – 5:00 p.m. – 10:00 p.m.***

Mr. Janes second request is for the annual Reunion Cruise-In to be located around Central Park, which is scheduled Saturday, September 11, 2021 from 5:00 p.m. – 10:00 p.m. He is requesting barricades with sandbags on 4th and 5th Streets from Broadway to Center, along with Center Street from 4th to 5th Streets.

A motion was made Council Member Veach, pending certificate of insurance is received prior to the event, to approve street closures for Loafers Car Club annual Reunion Cruise-In scheduled for Saturday, September 11, 2021, from 5:00 p.m. – 10:00 p.m. The motion was seconded by Council Member Bowen.

Motion carried.

MONIQUE MCPIKE – MOE’S LOUNGE
Re: Appeal, Liquor License Denial

Monique McPike, representing Moe’s Lounge, approached Council regarding the denial of her liquor license. She advised she had submitted a letter addressed to Council prior to the meeting. She acknowledged she had an incident in 2011 and was convicted of selling alcohol to a minor. However, she has learned from her mistake and is asking for a second chance. She is also requesting the City’s Ordinance to be revised to mirror the state’s statute of limitations, or maybe “overturn” the denial of her liquor license.

Mayor Hark stated on a personal level, everyone makes a mistake. However, he agrees with the City department heads on the denial, they were merely doing their sworn duties and the denial was the right decision according to the City’s Code. He does agree that the City’s Ordinance does not agree with the state’s “look back” period.

Council Member Cogdal informed Ms. McPike, if Council were to revise the Ordinance it could take up to 45 days to pass, and questioned if she was under time restraints, in which she responded she would prefer to have it now, but if she has to wait, she will do whatever she has to do to obtain her license. Council Member Cogdal fully supports the revision of the Ordinance to mirror the state’s limitations. She does feel that it would be better for Ms. McPike to wait to obtain her liquor license until the City can revise the Ordinance, instead of going through the “back door”. Ms. McPike did indicate that she does have some adult events planned, however, those could be rescheduled, if necessary.

Council Member McCoy indicated that he hates to see Ms. McPike potentially lose business for the 45 days or so, especially with the holidays coming up and he would be in favor of giving her a second chance and approving her liquor license, especially if Council is planning to revise the Ordinance in the near future.

Mayor Pro Tem Dobson questioned if Council could approve Ms. McPike’s request, although it is against the current Ordinance, knowing that a revision is being completed. City Attorney Lemon stated the state’s current “look back” period on alcoholic related offense is five years. He has already researched this matter and it would only take a simple modification of the City’s current Ordinance to mirror the state’s period.

Lemon stated it is in within Council’s power to approve Ms. McPike’s liquor license tonight, with the understanding that the current Ordinance will be modified. Council would also need to instruct the Hannibal Police Department to approve the liquor license.

Mayor Pro Tem Dobson questioned Chief Davis, if instructed by the Council, would his department have a problem granting Ms. McPike her liquor license. Davis, from the audience, advised Council needs to keep in mind that other businesses have been denied liquor licenses for the same reason and they would wonder why she could be granted the license, but they couldn’t.

A motion was made by Council Member Bowen to approve Ms. McPike’s request for a liquor license, acknowledging the Ordinance is getting modified within the next 45 days. The motion was seconded by Council Member Veach.

Motion carried.

A motion was then made by Council Member Veach to instruct City Attorney Lemon to modify the current City Ordinance to coincide with the State of Missouri's limitations on prior offenses time frame and to present the modification at the next Council meeting. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

Mayor Hark wanted to remind Ms. McPike again that the proper decision to deny her liquor license was made by the department heads in this situation, they were just following the rules set forth, in which she agreed.

Lt. Collier, from the audience, advised Council that part of the license denial was due to past property taxes that were owed by Ms. McPike, however, Mayor Hark advised they were told this has since been taken care of.

JAMES LEMON – CITY ATTORNEY

**Re: Request, Set Public Hearing - Zoning Code Amendment - Chapter 32, Article I,
Sections 32-35 Non-Conforming Uses**
Tuesday, November 17, 2020 – 6:45 p.m.

Mayor Hark stated the matter to which City Attorney Lemon was presenting has been tabled and the public hearing has been reset for December 1, 2020.

LISA PECK – CITY MANAGER

**Re: City Owned Property, 109 Virginia Street – Letter of Intent for
Adaptive Reuse**
3 Diamond Development, LLC
(Resolution No. 2304-20, to follow)

City Manager Peck advised the City has been approached by 3 Diamond Development, LLC, who are proposing an adaptive reuse of City owned property known as the old St. Elizabeth Hospital, located at 109 Virginia Street. The development will consist of one and two-bedroom units restricted to seniors at the 50% - 60% area median income level or below.

3 Diamond has submitted a letter of intent and requests Council approval, and then they would begin the process and plan to apply next year for expanded, low income housing tax credits.

Mayor Hark stated Resolution No. 2304-20 is to follow, for approval.

RYAN NEISEN – DEPUTY FIRE CHIEF

Re: Bid Award Approval, Thermal Imaging Cameras
Sentinel Emergency Solutions - \$38,541.55

Ryan Neisen, Deputy Fire Chief, approached Council requesting a bid approval for thermal imaging cameras. Neisen advised bids were opened on October 20th, with one bid being received from Sentinel Emergency Solutions in the amount of \$38,541.55, which includes five Bullard Eclipse QXT thermal imaging cameras bundled with a wireless truck mounted charger and five retractable strap kits, along with an option of five electronic thermal throttles.

Neisen advised this project is 95% funded through the Assistance to Firefighters Grant, with the City's portion being 5% (\$1,927.08) of the total cost.

Mayor Pro Tem Dobson questioned Neisen on the purpose of the option of electronic thermal throttles, in which Neisen advised they are for heat temperatures that are less than 500 degrees.

A motion was made by Council Member Veach to approve the bid award for five thermal imaging cameras to Sentinel Emergency Solutions in the amount of \$38,541.55. The motion was seconded by Council Member McCoy.

Motion carried.

EDIE GRAUPMAN – DPW MANAGEMENT ASSISTANT

Re: Sale of City Owned Property, 1200 Clark Street – Agreement for Transfer of Real Estate & Special Warranty Deed

*Myra Oppy & Steven Nelson, Jr. - \$500, plus costs
(Resolution No. 2305-20, to follow)*

Eddie Graupman, DPW Management Assistant, approached Council requesting approval for the sale of City owned property located at 1200 Clark Street. She advised Myra Oppy and Steven Nelson Jr. wish to purchase the property, which was recently acquired by the City from the Marion County Trustee's tax sale.

Myra and Steven reside at 1518 E Street, which is adjacent to 1200 Clark Street and if Council approves, plan to demolish the dilapidated structure in early spring and combine both properties into one lot. A letter report was ran to determine whether liens or other title clouds existed, with the report suggesting a clean title.

Graupman advised this property has been added to the City's demolition list, pending demolishing, if Council approves the sale this would save the City the cost of demolishing the structure.

Graupman stated Resolution No. 2305-20 is to follow, for approval.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES

Re: Bid Award Approval, Palmyra Road Sidewalk Project – Bay Avenue to Riverview Park

RL Persons Construction, Inc. - \$359,999

Aron Lee, Assistant Director of Central Services – Parks, on behalf of Andy Dorian, approached Council requesting bid award approval for the Palmyra Road Sidewalk Project. This phase of the project will connect the sidewalk at Bay Avenue/Palmyra Road to Riverview Park. In 2019

the City applied for a Transportation Alternative Program (TAP) Grant through MODOT and received \$298,456.13 to go towards the project.

Four bids were received for the project with the low bid of \$359,999 being submitted by RL Persons Construction, Inc. Lee advised the City budgeted \$398,456 for this project in the fiscal year 2020-2021 budget. If approved, the construction is estimated to begin later this winter.

Council Member Veach questioned Lee if this was the same contractor who completed the first phase of the project, in which Lee advised it was not, that was D&L Excavating.

A motion was made by Mayor Pro Tem Dobson to award the bid for the Palmyra Road Sidewalk Project, going from Bay Avenue to Riverview Park, to RL Persons Constructions, Inc. in the amount of \$359,999. The motion was seconded by Council Member Bowen.

Motion carried.

RESOLUTION NO. 2304-20

A RESOLUTION OF THE CITY OF HANNIBAL, CONDITIONALLY AUTHORIZING THE MAYOR EXECUTE A LETTER OF INTENT BETWEEN THE CITY AND 3 DIAMOND DEVELOPMENT, LLC FOR 109 VIRGINIA, AT NO COST, FOR REHABILITATION AND REINVESTMENT OF LONG-BLIGHTED CITY OWNED PROPERTY INTO SENIOR HOUSING

A motion was made by Council Member Veach to have the Deputy City Clerk read Resolution No. 2304-20 and call the roll for adoption. The motion was seconded by Council Member Bowen.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2304-20 duly approved and adopted on this date.

RESOLUTION NO. 2305-20

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED AND AGREEMENT FOR TRANSFER OF REAL ESTATE FOR THE SALE OF CITY OWNED PROPERTY, KNOWN AS 1200 CLARK STREET TO MYRA OPPY AND STEVEN NELSON IN THE AMOUNT OF \$500, PLUS COSTS

A motion was made by Council Member McCoy to have the Deputy City Clerk read Resolution No. 2305-20 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2305-20 duly approved and adopted on this date.

CLOSED SESSION

In Accordance with RSMo. 610.021

- *(1) – Potential Litigation*
- *(2) - Real Estate Negotiations*
- *(12) – Contract Negotiations*

Mayor Hark then entertained a motion to enter closed session in accordance with RSMo. 610-021, sub-paragraph (1), potential litigation, sub-paragraph (2) real estate negotiations and sub-paragraph (12), admitting himself, City Council Members, City Attorney James Lemon (via zoom), City Manager Lisa Peck (via zoom), City Clerk Angel Zerbonia (via zoom), Deputy City Clerk Candy Golian, Police Chief Lyndell Davis, Hannibal Regional Economic Development Director Corey Mehaffy and General Manager of the Hannibal Board of Public Works, Ken Reasoner. A motion was made by Council Member Veach to enter closed session. The motion was seconded by Council Member Bowen.

ROLL CALL

Yes: Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach and McCoy - 7

No: - 0 -

Absent: - 0 -

Motion carried.

OPEN SESSION

A motion was made by Mayor Pro Tem Dobson to return to open session. The motion was seconded by Council Member Welch.

Motion carried.

ADJOURNMENT

A motion was then made by Mayor Pro Tem Dobson to adjourn the meeting. The motion was seconded by Council Member Welch.

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk